The Anſwer of the Dean and Prebendaries of DURHAM, *ſetting forth the Reaſons why they cannot poſſibly produce their Booke of Chapter Actes, as they were ordered by the Right Honourable the Lords of the upper Houſe of Parliament. Sans date, but probably about* 17. *April* 1646.

FIRST they, ſuppoſing, that the ſaid Booke might bee in one of the Trunkes which were ſent to *Hull* at the Time of the Diſtraction upon the Entringe of the *Scottiſh* Armie, did ſend an expreſſe Meſſenger to *Hull*, with a Letter to Sir *Thomas Glemham*, Govenor of the Towne, intreating him to open the ſaid Trunkes before good Witneſſes, and to ſearch for the ſaid Chapter Booke; as appeareth by their Letter unto the ſaid Govenor.

2. THAT the ſaid Govenor did find but one Trunck of the Churches there, in which the Book of their Chapter Actes was not to be found, as appeareth by the Letter and Teſtimony under the Hands and Seals of thoſe who opened and ſearched the ſaid Truncke, by the Govenor's Appointment.

3. THAT the Dean and Prebendaries immediately after ſent another expreſs Meſſenger to *Durham*, with Letters to their Chapter Clarke, requiring him at his Perill to find out the ſaid Book (whoſe Charge properly it is) or elſe to come up himſelf in Perſon, and give Satisfaction to their Lordſhips, why it could not be produced; as appeareth by their Letters to their ſaid Chapter-Clarke.

4. THAT their Chapter-Clarke is not come up, but hath ſent his Servant, who hath depoſed before their Lordſhips ſome Things, wherein he may be deceived; becauſe it is certain that he is miſtaken in depoſing, that Dr. *Duncon* was preſent at the making up of that Trunk at Dr. *Clarke's* Houſe, in which the ſaid Booke was ſuppoſed to be.

5. AND therefore they do ſuppoſe, that that Truncke is loſt, either by the Neligence of the ſaid Chapter-Clarke (hee being in the Ship where it

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it was, and it being his proper Charge to looke after it) or by the Avarice of Marriners, who finding it weightie (as being full of Books) might ſuppoſe it was filled either with Money or Plate; or, if it were left behind in the Regiſtry (wher uſually it remained) it might be torn and deſtroyed by the *Scottiſh* Soldiers, who broke open both their Treaſurie and Regiſtrie, defacinge and deſtroying therein many Evidences; and, in all Probabilitie, would have done ſo with all the reſt, if they had not been reſtrained and ſeverely puniſhed by their Officers, eſpeciallie by Serieant Major General *Bailie*.

6. ALL thes Things are ready to be depoſed by the Dean or Prebendaries, which they well hope their Lordſhips will eaſily believe for theſe two Reaſons.

7. FIRST, that the loſſe of the Truncke is moſt prejudiciall and diſadvantagious to them, as having in it many of their Leiger Books, Counterpanes of Seale, and other Evidences and Chartularies, which muſt bee of invaluable Loſſe to the Church of *Durham*; and they are confident that the Booke of Acts would have cleared them very much concerning their Proceedings with Mr. *Smart*.

8. SECONDLY, to ſhew that they have uſed their utmoſt Diligence, they ſhall produce unto your Lordſhips all the Warrants, which poſſiblie could be found in their Regiſtrie, for entering their Actes into the ſaid Book. Which Warrants contain the Summe of all Things that have been entered into that Booke for almoſt twentie Yeares; which is before the time that any difference hath been concerning Mr. *Smart*.

☞ 1646 April 17. The Commons having paſſed a Vote for the allowance of 800*£*. a Year to the Biſhop of Durham, ſent the ſame up to the Houſe of Peers for their Concurrence, who conſented thereto. Ruſhworth V. 6. p. 260.

Extracts from the Journals of the Houſe of Commons.

1646 May 2 and 18. An Order for 800 a Year to be paid Dr. *Morton* Biſhop of Durham, out of the Revenues of the See. Vol. IV. p. 529.

1647 July 14. Order referred to Judges to ſettle paſſing *Fines* at Durham, and the Biſhops *Jura Regalia*. Vol. V. p. 246.

Auguſt 14. An Ordinance to take away the Juriſdiction of the County Palatine. Vol. V. p. 274.

October 4. *Biſhop Morton* petitions for the 800 a Year, and ordinance for the Payment p. 326.